

MINUTES

The Tennessee State Board of Cosmetology held a meeting on February 4, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: H. D. Adcock, Chairman, Linda Colley Vice Chairman, June Huckleby, Muriel Smith, Janet Wormsley, Hazel Moore, Nina Coppinger and Judy Golden. Lee Bowles was not present.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman H. D. Adcock welcomed new board member, Nina Coppinger.

Chairman H. D. Adcock called for roll call.

MINUTES

Ms. Judy Golden stated that on the Staff Attorney Report numbers #3, 7 and 9 have the amount of \$250.00 or \$300.00. Ms. Golden asked did we not change the amounts to \$500.00. Mr. Terrence Bond, Staff Attorney stated yes that is correct.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the minutes from the January 7, 2008 board meeting with the corrections. Motion carried unanimously.

Chairman H. D. Adcock welcomed everyone including instructors and students to the board meeting.

APPEAR BEFORE THE BOARD

Bill Nichols & Elizabeth Pierce – Knoxville Instructor Seminar – Present. Ms. Pierce stated that the seminar is a repeat from last year with a few changes. Ms. Pierce stated that next year more changes will be made due to the manicurist, aesthetician and natural hair stylist instructors. The instructor seminar will be held July 13 & 14 at UT Knoxville.

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to approve the 2008 instructor seminar for July 13 & 14 at UT Knoxville. Motion carried unanimously.

ADMINISTRATIVE REPORT

Beulah Cox-Oliver is requesting an extension from the 2006 instructor seminar. Ms. Cox-Oliver did attend sixteen (16) hours of continuing education 2007 at the University of Memphis.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to grant Ms. Oliver an extension and request she attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Shirley G. Dobbins is requesting an extension from the 2007 instructor seminar. A medical statement from a physician was provided.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to grant the extension and request Ms. Dobbins attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Courtney Denise Armstrong is requesting an extension from the 2007 instructor seminar. Due to confusion on her part and the board did not have her correct address and she received no notification of the seminars.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to deny the request due to instructors know they should attend the seminars. Motion carried unanimously.

Sulma Emerita Galindo from the Republic of Honduras is requesting license as a cosmetologist in Tennessee. Documents state she studied in the Center for Vocational Technical Education the course of beauty and cosmetology with total hours of 1,800. Ms. Galindo brought to the office on Friday a letter of verification of employment from Maria Marcos Escobar stating she practiced her work for five months, June 1 thru October 30, 1993 and then became employed December 10, 1993 thru February 10, 2005.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley requesting Ms. Galindo take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Meiry Siliva from Peru submitted documents verifying she completed the styling program, accumulating 288 hours of study at the International School of Cosmetology and Styling. One year work history was submitted and certificates of achievement in color design, hair sculpture men and women, perm design and etc.

MOTION was made by Ms. Hazel Moore and seconded Ms. Judy Golden to request Ms. Siliva return to school for her remaining hours then take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Batol Jasem Mohammed from the Republic of Iraq submitted an application for reciprocity of her cosmetology license from the exam scores provided. She has no hours of education.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to request Ms. Mohammed return to school for the remaining hours then take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Elnor Gray is requesting reciprocity of her cosmetology instructor license. Ms. Gray received her cosmetology license in Tennessee in 1991 and received her instructor license in South Carolina September 7, 2007 after completing forty-five (45) hours of methods of teaching and passing the national instructor examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to request Ms. Gray return to school for the remaining hours then take and pass the examination to obtain her Cosmetology Instructor license in Tennessee. Motion carried unanimously.

Jennie Hoover from Florida is requesting reciprocity of her cosmetology license. She has 1,200 hours of instruction in the cosmetology curriculum in Florida. The certification from Florida states she has been licensed as a cosmetologist since 1993. Five year work history submitted states her profession as a barber and she owned a business called Man's Salon. She stated to Ms. Waller, Executive Director that was an error made by her accountant and since then he has killed himself. She said she never noticed he had her profession as a barber not a cosmetologist. Ms. Hoover addressed the Board and explained her situation to the board members.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant reciprocity for Ms. Hoover to become licensed in the State of Tennessee. Motion carried unanimously.

Melanie Padula from Florida is requesting reciprocity of cosmetology license. Florida requires 1,200 hours of instruction in the curriculum and she has a certificate stating she completed 1,295.78 hours, passed the examination and initial license issued November 29, 2007. Ms. Padula's mother requested Ms. Waller to present the application to the board for consideration for licensing as a cosmetologist in Tennessee.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Padula return to school for her remaining hours then take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Tonya Goff is requesting reciprocity of her manicurist license from Florida. Florida requires 240 hours of instruction in the manicurist curriculum. Ms. Goff sent a letter explaining she was not able to submit a five year work history due to illness. The work history she submitted was for 2002, 2003, and 2004- 2006.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to grant reciprocity for Ms. Goff to become licensed in the State of Tennessee. Motion carried unanimously.

Nadia Kamal Kamel from Egypt is requesting to take the cosmetology examination. Documents state she worked full-time 2,000 hours from 1985 to 1995. No other educational information can be provided.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Linda Colley to request Ms. Kamel take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Theresa Chism is requesting reduction in the number of hours the board requested to complete the esthetics curriculum to qualify to take the state board examination and become licensed as an aesthetician in Tennessee. The board voted she will be required to complete 500 hours in the esthetics curriculum in a licensed school of cosmetology. In the state of Florida aestheticians are required to complete 260 hours. The combination of those hours would be 760. Ms. Waller asked if the board's decision stands. The board stated yes their decision stands.

A letter from Steiner American Cruises asking if their proposed operation of a salon and spa facility on the Majestic America Line's river boat, American Queen would be approved by the board. The Boat will travel on rivers adjacent to Tennessee and other state. The cosmetologist will work on the American Queen will be licensed in at least one state (not necessarily Tennessee) to perform beauty and cosmetology services. The passengers stay on board for the duration of an entire seven day cruise and the services provided are not available to anyone outside of passengers and crew members on the board therefore they are not required to be license in Tennessee. Correct. If states do not agreed to this services cannot be provided. The board stated yes they will approve.

FYI – Houston Beauty School was fined a record \$250,000 and closed due to operating a cosmetology license factory.

FYI- Copy of memo sent to all schools advising of the current CIB to use for examinations and the proper method for ordering CIB's from PSI.

At the last Board meeting Ms. Waller was asked to have the inspector visit "A New Image Weight Loss Clinic, Inc. & Spa Services" that advertised a hair salon. Ms. Waller spoke with the inspector for the area and this weight loss clinic has a hair salon in the Kingsport facility. The salon has a separate entrance and etc. The Weight loss facility is license by the health board.

Heather Preslopsky who obtained her nail technician license in Florida in 1985 with 220 hours is requesting her manicurist license. She ran a successful business for 9 years which would be until 1994 but provided no proof of work history. She would like

the board to give her a manicurist license based on her history, so she can open a salon or enroll in the manicurist instruction curriculum in Jenny Lea School of Cosmetology. The copy of the license she provided has an expiration date of October 21, 2000. The board stated they would need proof of her work history or a current license.

Titania Gray is requesting to take the state board cosmetology examination after completing 1,200 hours at The Professional Academy in Iverness, Florida.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Gray returned to school for an additional 300 hours then she may take the examination. Motion carried unanimously.

Candice Jessee is requesting to take the cosmetology instructor examination. She did not complete the instructor trainee course of 300 hours in the required six months. She enrolled in the curriculum January 17, 2007 and completed the curriculum January 2008. She states in her request it was due to her pregnancy.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the hours and allow Ms. Jessee to take the examination. Motion carried unanimously.

Agenda with dates, course descriptions and bio's for approval of the Instructor Continuing Education Seminar to be held at Tennessee State University August 10-11, 2008 was presented to the board for approval.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to approve the 2008 instructor seminar at Tennessee State University, August 10 & 11. Motion carried unanimously.

In the packets the board members were presented with a handout from Place'col The Science of Beauty for approval. Mr. Hennie De Wet with Place'col is requesting the board approve employees who take the Place'col training for aesthetician license in Tennessee. Place'col training consists of 240 credit qualifications, two (2) year full-time qualifications with additional two (2) week training in product specific. Ms. De Wet is also requesting approval to establish Place'col Beauty Centers (PBC) in Nashville and approval for class 3 B (Soft Laser Treatment) for use on beauty center.

MOTION was made by Ms. Linda Colley and seconded by Ms. Muriel Smith to deny the request. Motion carried unanimously.

Consent orders totaled \$2,500.00

Cook's Cut & Curl
2721 Frayser Blvd.
Memphis, TN 38127

Violation issued September 24, 2003
Pd \$1,100.00 on 1-22-08

Down To Earth Beauty Shop
10 North Main Street
Memphis, TN 38103

Violation issued November 5, 2007
Pd \$150.00 on 1-22-08

Pro Nails
509 Elm Street
Memphis, TN 38237

Violation issued November 7, 2007
Pd \$500.00 on 1-22-08

Regal Nails
3360 Tom Austin Hwy
Springfield, TN 37172

Violation issued July 13, 2007
Pd \$500.00 on 1-22-08

The Nail & Skin Bar
247 South Cooper
Memphis, TN 38104

Violation issued November 6, 2007
Pd \$250.00 on 12-5-07

MOTION was made by Ms. Linda Colley and seconded by Ms. Hazel Moore to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. Case No. L-08-COS-RBS-2008002011

January 12, 2008 Notice of Violation provides that the Inspector observed two unlicensed individuals cutting hair while the inspection was in progress. The Inspector also noted that the two individuals were not wearing name tags. Used tools were not properly stored in disinfectant solution and the shop had not been swept free of hair clippings.

Recommendation: Formal hearing with authority to settle by Consent Order of \$1,500.00

2. Case No. L-07-COS-RBS-200502182-1

January 30, 2008 Inspection report indicated that the shop appeared to be closed and "boarded up". Inspector spoke with a former employee of the shop who stated that the shop had been closed for nearly six months.

Recommendation: Dismiss

3. Case No. L-08-COS-RBS-2008002001

January 7, 2008 Notice of Violation provides that the Inspector observed the shop owner working on a customer without a shop license while the inspection was in progress.

Recommendation: Formal hearing with authority to settle by Consent Order of \$500.00

4. Case No. L-08-COS-RBS-2008002021

January 16, 2008 Notice of Violation provides that the Inspector observed an unlicensed individual working on a customer at inspection time.

Recommendation: Formal hearing with authority to settle by Consent Order of \$500.00

5. Case No. L-08-COS-RBS-2008001421

December 20, 2007 Notice of Violation provides that the Inspector observed an unlicensed man giving a manicure at inspection time.

Recommendation: Formal hearing with authority to settle by Consent Order of \$500.00

6. Case No. L-08-COS-RBS-2008001411

January 9, 2008 Notice of Violation provides that the Inspector observed an unlicensed individual providing nail service.

Prior History

2/14/06- Unlicensed operator- paid \$500.00

8/08/07-Unlicensed operator-letter of warning

Recommendation: Formal hearing with authority to settle by Consent Order of \$2,000.00

7. Case No. L-08-COS-RBS-2008001371

December 19, 2007 Notice of Violation states that a wax machine, which was plugged in, hot and ready for use, was present in a manicuring establishment.

Prior History

6/3/99-Unlicensed operator-paid \$1800.00

3/11/2000-Bed in shop, no id-paid \$500.00

Recommendation: Formal hearing with authority to settle by Consent Order of \$2,000.00

8. Case No. L-08-COS-RBS-2008001381

January 10, Notice of Violation provides an unlicensed individual was observed working at inspection time.

Prior History

Unlicensed operator-paid \$500.00

Recommendation: Formal hearing with authority to settle by Consent Order of \$1,500.00

9. Case No. L-08-COS-RBS-2008001351

January 11, 2008 Notice of Violation provides that an Inspector discovered a wax machine, which was hot and ready for use, inside the manicuring salon. The inspector also discovered various tools used in eyebrow waxing in the same room where the wax machine was discovered.

Prior History-

5/18/96-Sanitation-paid \$300.00

3/10/00-Unlicensed operator-paid \$500.00

11/3/00-Expired shop license-paid \$300.00

11/16/06-Unlicensed operators-close with Cease and Desist letter

Recommendation: Formal hearing with authority to settle by Consent Order of \$2,000.00

10. Case No. L-05-COS-RBS-2005012701

April 20, 2005 consumer complaint alleges that pedicure technician injured her while performing a pedicure. Consumer demanded that salon either pay or reimburse her medical expenses incident to the injury.

Recommendation: Dismiss

11. Case No. L-07-COS-RBS-2007072131

August 9, 2007 Notice of Violation states that at inspection time, the Inspector found that UV sanitizer was not provided on the clinic floor. The inspector also reported that the wet sanitizer for clinic use was dirty.

Recommendation: Formal hearing with authority to settle by Consent Order of \$500.00

12. Case No. L-05-COS-RBS-2005021161

Original Notice of Violation dated February 11, 2005 provides that the Inspector found the shop owner practicing cosmetology with an expired personal license at inspection time. Consent Order mailed in 2005 proposed a \$250.00 civil penalty. The Respondent did not execute the Order. Another Consent Order was mailed in January of 2007 with a \$250.00 Consent Order proposed. Respondent again failed to execute the Order. Respondent now has an active personal license.

Recommendation: Dismiss and re-inspect

13. Case No. L-06-COS-RBS-2006014021

March 23, 2006 Notice of Violation provides that the Inspector found that the licensee was practicing cosmetology with an expired shop license.

Recommendation: Dismiss and re-inspect

14. Case No. L-06-COS-RBS-2007089541

December 12, 2007 Notice of Violation provides that the Inspector discovered a licensee practicing cosmetology with an expired license.

Recommendation: Formal hearing with authority to settle by Consent Order of \$500.00

15. Case No. L-06-COS-RBS-2007083411/2007074471

August 24, 2007 Notice of Violation provides that the Inspector discovered that the shop owner had been employing an unlicensed cosmetology student to provide cosmetology services in the shop. At the time of the inspection, the unlicensed student was not present and was not working on a customer, although she did have a work station within the shop and did return to the shop wearing a smock while the inspection was in progress.

Recommendation: Combine case files and authorize formal hearing with authority to settle by Consent Order of \$500.00

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the recommendations with the exceptions that #7 was raised to \$2,000, #11, 14, & 15 were raised to \$500.00. Motion carried unanimously.

OTHER BUSINESS

Chairman H. D. Adcock suggested that Kirby Morris from NIC be asked to come before the board to discuss with the board members what is being done in the other states in cosmetology.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to adjourn the meeting.